

**PLANNING AND ZONING COMMISSION
TOWN OF DEEP RIVER, CONNECTICUT**

Town Hall

174 Main Street

Deep River, Connecticut 06417

A **public hearing** of the *Deep River Planning and Zoning Commission* held on Thursday, June 21, 2018 at the Richard H. Smith Town Hall Auditorium was called to order at 7:10 p.m. by Chairman Bruce Edgerton. Members present: Anthony Bolduc, Sara Denegre, Bruce Edgerton, Janet Edgerton, Jane Samuels, Ben Whelan, and Alternate Christopher Desrosiers. Absent: David Basilone and Alternate Jonathan Kastner. Also present: Cathie Jefferson (Zoning Enforcement Officer), Nancy Howard (recording secretary) and approximately 90 people in the audience. The Chairman seated Alternate Desrosiers for the absent member.

Chairman Edgerton noted that the order of the public hearing subjects were switched due to the fact that the representative for the first item was not yet present. The Valley Railroad Company Application will be continued pending action by the Conservation and Inland Wetlands Commission.

I. PURPOSE: To accept evidence for or against, written or oral, approval of Application #106, Application for Amendment/Modification to Special Permit by Valley Railroad Company for the purpose of modifying the approval for patrons to arrive for seasonal boat charters directly by automobile at 152 River Street (Map 62, Lot 58).

Bruce Edgerton and Janet Edgerton recused themselves in connection with the application by Valley Railroad Company. Vice Chairman Ben Whelan was Acting Chairman. The Acting Chairman seated Alternate Desrosiers for absent member David Basilone. Sara Denegre served as Acting Secretary.

Acting Secretary Sara Denegre read the call of the meeting published in The Hartford Courant on June 8th and 15th, 2018.

PRESENTATION BY APPLICANT:

Robert Bradway, Vice President of the Valley Railroad Company (VRR) gave an overview of the current operation with the steam train and Becky Thatcher riverboat. Mr. Bradway noted the VRR currently runs nighttime charters on the Becky Thatcher of approximately 150 people. Last year there were 110 charters run by train shuttle from the Essex Station. Smaller charters are priced out by the cost of the train. The proposal is to offer charters on a seasonal basis, from May to the end of October. The boat is covered for the winter and does not sail until April. The proposed charters would be limited to three time per week, one per day. The property, leased from the State of Connecticut, would have 35 parking spaces in the parking area to south of the station and 13 spaces to the north of the station. The parking area includes employee parking for a maximum of 75 people. Mr. Bradway stated that there is no intention of overflow into the street or public property. The policies of the company do not allow parking in the Town Landing.

Tom Metcalf, P.E., noted that the physical improvements at the south parking area will gain control over the area which can be a free for all there now. He noted that discussions on the current proposal started with the late First Selectman Richard Smith, current First Selectman Angus McDonald, and ZEO Cathie Jefferson. Mr. Metcalf noted that the entrance to the parking area will be 24 ft. wide, landscaping around the area with grass behind the station to avoid parking. The VRR proposes to complete the Town sidewalk to the North end of the station. Due to concerns of sheet flow on River Street, catch basins will be installed. Fencing will be installed along the railroad tracks. Gooseneck lighting will be installed in the parking lot. The proposal is to share the parking area for Town sponsored events at the Landing. On days of boat charters or Town events, the parking area would be closed during the day for the events. The applicant is open to discussing with the Commission the use of the parking area for boat trailers.

Questions by Commission Members: Tony Bolduc asked about the tidal and inland wetlands.

Mr. Metcalf noted that the Conn. River is tidal and governed by the State, and the wetlands pocket is inland wetlands and governed by the local inland wetlands commission. An application is pending before the Conservation and Inland Wetlands Commission for the activity within the 100 ft. upland review area. Tony Bolduc asked about the Natural Diversity Database and Mr. Metcalf confirmed that they are making that submission. Mr. Metcalf noted that the coastal jurisdiction line is coincident with the shoreline.

Mr. Metcalf, noting that the application is for modification of an existing permit, submitted the following evidence for the record:

- (1) Copy of previous approvals as filed in the Land Records dated October 19, 1978 and March 17, 2005.
- (2) As a result of the application being submitted to the Gateway Commission for review, a letter dated June 11, 2018 addressed to the Planning and Zoning Commission from J.H. Torrance Downes from the Connecticut River Gateway Commission noting that the Commission concurred that the project would have no significant visual impacts on the river scene.
- (3) Letter dated June 21, 2018 to the Planning and Zoning Commission and Conservation and Inland Wetlands Commission from Graham J. Stevens, Office Director of Connecticut Department of Energy & Environmental Protection (DEEP) stating that DEEP is aware of and reviewed the applications, and has authorized the VRR to submit applications for the project as submitted.
- (4) Letter dated June 12, 2018 to Conservation and Inland Wetlands Commission from R. Richard Snarski, Certified Professional Soil Scientist. Mr Metcalf read a portion of the letter into the record. Mr. Snarski noted that he believes that the proposed improvements to the parking area will not have a negative impact on the wetland.
- (5) Mr. Metcalf read into the record the Statement of Use as submitted with the application to amend the existing permit.

Mr. Metcalf noted that the application is a standalone application by the VRR and has nothing to do with the Lace Factory. In place of the wide expansive entrance to the parking area, a conventional 24 ft. wide entrance with landscaping on the sides with specimen trees will be installed and expanding the Town sidewalk in front of the property and landscaping in front of

the station building.

Questions by Commission Members: Sara Denegre asked for clarification of the times per day and per week. Mr. Metcalf noted that the proposed charters would be one time a day and up to three times a week. The potential range of time of operation is 8:00 a.m. to 10:00 p.m. The VRR has a daily operation of the Becky Thatcher with the stream train. Mr. Bradway noted the most popular days for charters are Friday, Saturday, and Sunday. There will be up to eight employees for boat and food service staff. Mr. Bradway noted that all parking will be in the two areas and there would be no overflow to the street or landing.

Jane Samuels asked about storm water runoff and recharge. Mr. Metcalf noted that the parking area will be crushed stone and to help with the infiltration they are proposing a trench along the west side with 3-4 feet of crushed stone. Two catch basins are proposed on the side of the road. Mr. Bradway noted that one or two people will be directing traffic to the parking on arrival and exit and directing pedestrians on how to cross the railroad tracks. Mr. Bradway noted that they agree to amend the statement of use to a maximum of 75 and a maximum of three days per week and one trip per day.

Correspondence: Acting Secretary noted receipt of the following correspondence:

- (1) letter dated 6/18/18 from Brett Thompson of 137 River Street in opposition to the application;
- (2) email dated 6/19/18 from Scott & Lesley Henry of 122 Kirtland Street in opposition;
- (3) letter dated 6/16/18 from Pauline Greeney of Old River Road in opposition;
- (4) letter dated 6/12/18 from Lenore Grunko of 41 Kirtland Street in opposition;
- (5) letter dated 6/17/18 from Renee Tschopp of 55 Kirtland Street in opposition;
- (6) letter dated 6/16/18 from Peter Miserendino of 111 River Street in opposition;
- (7) letter dated 6/12/18 from Bethany and Kent Kohary of 108 Kirtland Street in opposition;
- (8) letter dated 6/11/18 from J.H. Torrance Downes, Deputy Director, River COG from Connecticut River Gateway Commission noting that the Gateway Commission members concurred that the project would have no significant negative visual impacts on the river scene; and
- (9) letter (undated) from Marilyn Quay Sparks of 131 Kirtland Street in opposition.

Public In Favor of Application:

1. Fred Jordan of 334 West Elm Street, a resident of town for 30 years, spoke in favor of the application as a benefit to local merchants and in support of small business.

Questions from Public:

1. Chris Fish, Bokum Road, asked for clarification of the maximum times a week. Mr. Metcalf noted that the original application does request an average of three times per week and the proposal has been changed to a limit of three per week. Mr. Fish asked if a traffic study has been done. A traffic study has not been done. Mr. Bradway noted that the current operation is based on the 1978 approval with an amendment in 2005.

2. Andrea Isaacs, 161 River Street, asked about the length of the lease with the State. Mr. Bradway noted that there are 7-8 years left on the lease with 25 year renewals. Question was raised about the lights and if they would be on motion sensors or on all night.

3. Raymond Gill, 128 Kirtland Street, questioned the purpose of the application since cruises do currently take place. It was explained that people may not access the boat by driving to the site.

Public in Opposition to Application:

1. Charles Phelps, 104 Kirtland Street, spoke regarding the traffic problems.

2. Bob Ghinder, 127 Kirtland Street, noted that he is one of the closest neighbors and a former steam train employee. He expressed concern regarding enforcing the parking in the 49 parking spaces and wondering what would be done to prevent a reverse relationship with the Lace Factory. He also noted that a new resident, Melissa Cavrell, at 146 River Street, who was unable to attend the hearing, is concerned about the safety of her children.

3. Michael Wayne, 147 River Street, spoke regarding the runoff during heavy rain that comes from the VRR into the swamp behind his house. He would like impact study to rectify the build up of water. He noted concern regarding traffic if events at the VRR and Lace Factory exit at the same time.

4. Charles Wolfe, 15 Kirtland Street, spoke against the parking at the site and the traffic on Kirtland Street.

5. Sally Carlson Crowell, Old River Street, questioned restroom facilities.

6. Katherine Smith, 8 Phelps Lane, expressed concern regarding traffic and speeding and lack of speed limit signs.

7. Nick Kornacki, 101 Kirtland Street, noted the road construction that had taken place with the sewer and water and expressed concern regarding additional construction.

8. Paul Knudsen, owner of 122 Kirtland Street, noted that he was involved with the rebuilding of the Town Landing and see the project as further erosion of the Landing.

9. Tom Perry, 112 Kirtland Street, asked for a traffic study and concern of what the area can support.

10. Roger Williams, 131 Kirtland Street, submitted a written statement signed by 38 people. He expressed concerns regarding the wetlands statement and drainage of surface water, need for traffic study, ending time of events from VRR and Lace Factory, concern for historic neighborhood, introduction of tourists into area.

11. Augusta Ferretti, 38 Kirtland Street, noted that there are 16 kids in elementary school in the area and expressed concern for their safety playing in the streets. Ms. Ferretti submitted a letter dated June 12, 2018 in opposition.

12. Susan Huybensz, 38 Fairview Avenue, noted that the CIWC has not acted on the application. ZEO Jefferson noted that statutorily the applications may be submitted at the same time and

action may not be taken by Planning & Zoning until CIWC has acted on the application. Ms. Hurbensz submitted a letter dated June 21, 2018 and read portions of the letter for the record.

13. Zoe McGlamery, 7 Phelps Lane, noted concern regarding lack of sidewalks, traffic speeds, safety of kids, and two large venues serving alcohol and getting out at the same time.

14. Gail Gallagher, 27 Kirtland Street, noted concerns regarding traffic and keeping the area beautiful and safe.

Acting Chairman Whelan noted that the Public Hearing will be continued and further evidence may be submitted at the next hearing. A motion was made by Tony Bolduc and seconded by Jane Samuels to continue the public hearing to July 19, 2018 at 7:00 p.m. Voted Unanimously.

A hearing was recessed at 8:47 p.m. to relocate to the meeting room on the first floor of the Town Hall to hold the public hearing on the second subject.

II. PURPOSE: Continuation of public hearing to accept evidence for or against, written or oral, approval of Application #116, Application for 10 Lot Subdivision by BMC Land Development, LLC for property at 67 Hoopole Hill Road (Map 19, Lot 16, Map 26, Lots 14A, 14B, 15B).

Tony Bolduc recused himself in connection with Application #116.

Present on behalf of the applicant were Michael Harkin, Fran Pellegrino and Michael Milano. Six members of the public were present.

Presentation by Applicant: Michael Harkin, P.E. presented the application on behalf of BMC Land Development. A 10 lot residential subdivision is proposed on 74 acres of land. Two houses are existing, seven lots will be developed. Mr. Harkin reviewed a colored map to identify the building lots. The owner will maintain a lot which encompasses one third of the parcel. A 400 ft. section of road will be added to a hammerhead at the state property. A 50 ft. right of way to the Town has been included if road improvements are necessary in the future. A 30,000 gallon fire tank is proposed in the location identified by the Fire Department. A letter has been submitted by the Fire Marshal, approval from the Health Department of the septic systems, approval from CIWC. The plan shows the limits of clearing as set by the CIWC.

Questions by Commission Members: After questions by Janet Edgerton, Mr. Harkin noted that house locations are pretty much locked in with the locations set by the CIWC. The lot sizes are two to three acres. Ben Whelan asked if DEEP review is required. Mr. Harkin noted that DEEP review is required for proposals over five acres. U.S. Army Corps review is not required. The Soil Scientist will be submitting application to DEEP and for activity on the Deep River. Mr. Whelan asked if a private lane was considered. Mr. Harkin noted that it is an existing town road. ZEO noted that the regulations do not have provisions for a private road.

Correspondence: Janet Edgerton noted receipt of the following correspondence:

(1) Letter dated 6/13/18 from Joseph Dillon, P.E. from Nathan Jacobson & Associates.

- (2) Approval from the Board of Fire Commissioners dated 6/17/18.
- (3) Letter dated June 19, 2018 from First Selectman Angus McDonald to the Planning & Zoning Commission indicating that if the State of Connecticut does not accept the open space, the Town of Deep River is interested in accepting the open space.
- (4) Letter dated June 12, 2018 from Michael Harkin, P.E. to CT DEEP - Land Acquisition with the formal offer of the open space to be combined into the Cockaponset State Forest. Mr. Harking stated that the Junior Supervisor has indicated that it is slated to be on the schedule for a meeting in July.
- (5) Letter dated June 14, 2018 from CIWC to the applicant indicating that the CIWC would accept stewardship responsibility if the open space is given to the Town.
- (6) Letter dated 1/12/2017 from Brian D. Jones, Ph.D. State Archaeologist from UCONN.
- (7) letter dated 4/27/18 from Conn. River Area Health District with approval of the single family dwellings subject to conditions.
- (8) Email dated 6/13/18 from Michael Harkin to the State of Connecticut with the proposal regarding the open space.
- (9) Memos from the ZEO

Public in Favor of Application: None

Public in Opposition to Application:

1. Peter Knox, 132 Cedar Swamp Road, as an adjacent property asked if he was to be notified of the meeting. ZEO noted that a sign was posted on the property and a legal notice is published in the newspaper. He noted concern regarding the traffic and the widths of Hoopole Hill and Cedar Swamp Road and asked for estimate from applicant for improvement of the road. Mr. Harkin stated that the applicant is only building the 400 ft. section at the end of the road. The applicant is not improving the remainder of the road. Mr. Knox stated that the improvements to the road should be at the developers expense. He also stated that the Town road should be abandoned. ZEO Jefferson noted that the road has been scheduled by the Town to be repaved but was put on hold to be completed after the proposed development.
2. Dan Kollmer, 77 Shailer Pond Road, asked for clarification about the DEEP applications and if it ould affect the decision of the CIWC. He also asked about the safety of the road and if emergency vehicles will have problems on the narrow road.
3. Jim Burns, 133 Cedar Swamp Road, noted that the developer should be developing the road; and spoke about the safety of the roads in the area.
4. Peter Knox asked about the square footage of the lots and noted concern of taxpayers having the burden of repair of the road.
5. Dan Kollmer asked if the road would be widened. ZEO Jefferson that at this time the applicant or Town is not proposing to widen the road.

Mike Milano and Fran Pellegrino spoke in response to public comments.

Janet Edgerton noted receipt for the record of an additional letter dated June 21, 2018 from John Schiavone of 93 Shailer Pond Road.

Mike Harkin noted that all the lots meet the zoning regulations. He acknowledged that Cedar Swamp Road is narrow. The subject property is 200 ft. in on Hoopole Hill Road. Any changes at the intersection of Cedar Swamp Road and Hoopole Hill Road would involve the property owners at that intersection and the Town. The Town has the option of 50 ft. on each side if improvements are needed in the future. There are no easements of discharge onto the building lots. Mr. Harkin noted that no permits were overlooked. The Soil Scientist is taking care of submitting applications to DEEP as required. Mr. Harkin will submit the application due to the size of the development. The Fire Department reviewed the site and did not bring up any concerns regarding access. A turn around is being added at the end of the road.

A motion was made by Janet Edgerton and seconded by Jane Samuels to close the public hearing at 9:44 p.m. Voted Unanimously.

Respectfully submitted,
Nancy Howard
Recording Secretary